

**STORAGE NAME:** h0775a.cfs.doc  
**DATE:** February 8, 2002

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
CHILD & FAMILY SECURITY  
ANALYSIS**

**BILL #:** HB 775  
**RELATING TO:** Adoption  
**SPONSOR(S):** Representative Mahon  
**TIED BILL(S):** HB 773

**ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:**

- (1) CHILD & FAMILY SECURITY YEAS 9 NAYS 0
- (2) JUDICIAL OVERSIGHT
- (3) COUNCIL FOR HEALTHY COMMUNITIES
- (4)
- (5)

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I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

House Bill 775 creates a paternity registry with which putative fathers must register in order to receive notice of a petition to terminate parental rights pending adoption. Men are not required to register if they are married to the mother when the child was conceived or born, are fathers by adoption, or are legal fathers by other court proceedings.

The bill reduces from 2 years to 1 year the time period within which an action must be filed to nullify an adoption or termination of parental rights on grounds of fraud or providing false information. It provides a 1-year limitation on the admissibility in court of scientific testing to show a probability of paternity.

There is an accompanying public records exemption bill, HB 773, that would exempt information in the paternity registry from public records requirements.

House Bill 775 also creates the Interstate Compact on Adoptions and Medical Assistance (s. 409.406, Florida Statutes). The proposed law authorizes the Department of Children and Families to enter into agreements with the child protection agencies of other states participating in the compact. Joining the interstate compact would allow Florida families with special needs children under adoption assistance agreements, who move to another state, to obtain a Medicaid card and other services in the other state faster and without as much red tape. Likewise, families that move to Florida who adopted a special needs child and have an adoption assistance agreement in another state will receive the same assistance when they move to Florida.

On February 7, 2002, the Committee on Child and Family Safety adopted two amendments to the bill with the following provisions: moving the paternity registry established in the bill to the Office of Vital Statistics of the Department of Health, that already has an established process to register putative paternity; and clarifying that the adoption registry of the Department of Children and Families is a registry of adoption reunion information.

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The effective date of the bill is October 1, 2002 except for the interstate compact, which is July 1, 2002.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |   |                             |   |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 5. <u>Family Empowerment</u>      | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |

For any principle that received a “no” above, please explain:

B. PRESENT SITUATION:

**PATERNITY REGISTRY:**

The Office of Vital Statistics in the Department of Health currently maintains a Putative Father Registry pursuant to s. 63.062 (1) (d) 1., F.S. The Department of Children and Families does not now keep track of putative fathers, nor does the department’s Adoption (Reunion) Registry keep paternity information. The Adoption (Reunion) Registry accepts voluntary applications from parties to a Florida adoption who wish to be reunited with other parties to that same adoption. When the registry finds a ‘match,’ both parties are notified and arrange for a ‘reunification.’ The Adoption (Reunion) Registry does not keep track of all Florida adoptions. That is the statutory responsibility of the DOH Office of Vital Statistics.

**Background on Termination of Parental Rights and Adoption**

Adoption is “the act of creating the legal relationship between parent and child where it did not exist.” Section 63.032 (10), F.S., ch. 63, F.S, governs all Florida adoptions. In creating the Florida Adoption Act in 1973, the Legislature intended to provide safeguards to protect and promote the well being of persons being adopted and their birth and adoptive parents. s. 63.022 (1), F.S. The first of the safeguards listed is that: “The child is legally free for adoption.” s. 63.022, F.S. For this to occur, any existing parental rights must be terminated with all due process required under the federal and state constitutions to extinguish a fundamental right.

**Legislative History of Adoption Reform**

In 1997, the adoption law underwent substantive legislative review. The primary issues were: due process (e.g., lack of informed consent and inadequate notice to birth parents and prospective adoptive parents), venue, jurisdiction, birth registries, duties and liabilities of adoption entities, disclosure, revocation of consent, and statute of repose.

For three consecutive years, adoption law reform bills failed to pass the Legislature. A significant statute of repose provision on adoption challenges passed in 2000 (See ch. 2000-188, L.O.F. and s. 63.182, F.S.) that bars after 1 year all challenges to adoption based on any ground except fraud and bars after 2 years all challenges based on fraud.

## **Legislative Changes in 2001**

In 2001, the Legislature enacted major reforms to the adoption law. (See ch. 2000-03, L.O.F.; HB 141.) By clearly setting out the rights and responsibilities of all persons involved in an adoption, including the adoption entity, the legislation addressed the need for prospective adoptive parents to be better informed as to what the adoption process entails and what it could cost. The changes provide uniformity, continuity, clarification and finality regarding proceedings for termination of parental rights and proceedings for adoption.

Florida law now brings all adoptions, whether initiated under ch. 39, F.S., or ch. 63, F.S., into parity to ensure that a child is truly available for adoption. The act streamlined the total adoption process by providing for a uniform bifurcated procedural framework whereby the proceedings for termination of parental rights are completed before the proceedings for the creation of new parental rights may be initiated. The act added registered child-caring agencies to the list of entities eligible to handle adoptions. It set forth explicit and comprehensive disclosure, consent, notice, service, and hearing requirements in termination of parental rights and adoption proceedings.

### **Consent to Termination of Parental Rights**

With the exception of DCF, which was already subject to similar provisions in ch. 39, F.S., all other adoption entities are now subject to the new procedures for termination of parental rights as set forth in the ss. 63.087, 63.088, and 63.089, F.S.

Section 63.089, F.S., lists grounds for dismissing or granting a petition for termination of parental rights. The court may terminate parental rights based upon one or more of six grounds. However, prior to the entry of a judgment terminating parental rights, the court must determine by clear and convincing evidence, supported by written findings of fact, the required consent of each person.

Evidence of consent includes:

- Execution of a valid affidavit of nonpaternity.
- Proper and timely service of notice of proceeding and failure to file written response or appear at the evidentiary hearing.

If consent to adoption is timely withdrawn, or if the consent or an affidavit of nonpaternity was obtained by fraud, no judgment for termination of parental rights may be entered.

### **Time Limits on Appeals and Statues of Repose**

Statutes set time limits on the statute of repose, which prohibits the filing of an action of any kind to vacate, set aside, or otherwise nullify a judgment of adoption or underlying judgment terminating parental rights.

Under s. 63.182, F.S. (2000), any adoption challenge to set aside a judgment terminating parental rights or adoption is barred after one year after termination of parental rights, if the action is based on any grounds other than fraud. If the action is based on fraud, the action is barred after two years from the entry of the judgment terminating the parental rights.

In 2001, the Legislature extended these provisions to s. 63.089(7), F.S., relating to judgments terminating parental rights, and s. 63.142(4), F.S., relating to judgments of adoption, to achieve finality in adoptions and mitigate future challenges to final adoption judgments.

## **Consent of Fathers**

Consent requirements under s. 63.062, F.S., were substantially revised in 2001, in order to address many concerns and challenges based on lack of consent and failure to notify birth parents of termination of parental rights and consent to adoption. Consent to adoption (or affidavit of nonpaternity) must be obtained and notice must be given to the child's mother, father, any party to a proceeding and any father who provided pre-natal support. The act eliminated the court's discretion to waive consent.

The provisions for consent of the child's father apply specifically, to one of three prioritized categories of "fathers." Consent or notice is only required of the man who first qualifies as a "father" in the order of the following three categories:

1. A person who is the minor's father by marriage at the time of conception or birth, by adoption or by order of the court;
2. A person who has been established to be the father by paternity testing;
3. A person who the birth mother has reason to believe is the father and who:
  - has acknowledged, in writing, he is the father of the minor and has filed such acknowledgment with the Office of Vital Statistics in the Department of Health;
  - has provided or attempted to provide the minor or the birth mother during her pregnancy with support in a repetitive customary manner; or
  - has been identified by the birth mother, with reasonable belief, as the person who may be the minor's father in an action to terminate parental rights pending adoption.

(No consent or notice is required of any other person under a subsequent category. The man qualifying as the "father" has standing to challenge a petition for or judgment for termination of parental rights and a subsequent adoption.)

## **Paternity Testing**

The court may order a paternity test at any time the court has jurisdiction over the minor to verify paternity or non-paternity of a child. The court may order paternity testing on its own or upon motion of any party for termination of parental rights, s. 63.089 F.S., and judgment of adoption, s. 64.142, F.S., if paternity has not been previously established. Statutes provide for paternity testing for consent to adoption (or affidavit of non paternity), only by the court, not upon motion of any party, s 63.082, F.S.

## **Affidavit Acknowledging Paternity in Florida**

In order to ensure the responsibility of fathers to care for their children and their rights in any consent to adoption and Termination of Parental Rights proceedings, Florida statutes provide for fathers to acknowledge paternity when they are not married to the mother of a child. Fathers and mothers who are not married to each other can establish paternity administratively, without going to court, by filing an affidavit acknowledging paternity. This can be done at the hospital before the baby is discharged or at a local public health unit, or office of the Department of Children and Families or Child Support Enforcement. Paternity can also be established by order of the court.

Staff in all birthing facilities are required to assist with the completion and filing of affidavits. (s. 382.013 and s. 409.2557, F.S.) Parents do not have to pay a fee when both parents sign the form at the hospital or birthing center. Some parents take the information home and sign the

acknowledgment at a later date. If the affidavit is submitted after leaving the hospital, a small fee is charged by the Office of Vital Statistics to process the form to amend the birth record.

After signing, either parent has the right to cancel the effect of the affidavit in writing within 60 days unless there has been a court hearing regarding that parent and the child. Once the 60-day period expires, paternity can be changed only by providing evidence in court that one of the signatures on the affidavit was obtained through fraud, under duress, or that there was a material mistake in fact.

### **Registries for Acknowledgement of Paternity in Other States**

According to the National Adoption Information Clearinghouse, in almost all states, putative fathers are entitled to notice of proceedings to terminate parental rights or adoption proceedings. States generally require a putative father to register on the putative father registry or acknowledge paternity within a certain time frame in order to receive notice of such proceedings. According to the NAIC in 2001, approximately 21 states have statutes authorizing the establishment of putative father registries. Several states, however, only mandate by law that a putative father file a notice of his paternity claim within a certain period of time. Failure to register or file may preclude the right to notice of termination or adoption proceedings.

In Texas, the registry of paternity is required for a man to establish a right to receive notice in adoption proceedings. Registration forms are made available to fathers in hospitals, child-placement agencies, jails and government offices. Signing the registry guarantees that the father will be notified of any action to terminate his parental rights. A father may file before a child's birth, but no later than the 30th day after birth. Filing requires completion of the Bureau of Vital Statistics form signed by putative father and notarized. The putative father may at anytime revoke a notice of intent to claim paternity by sending a written statement signed and notarized.

In Ohio a central paternity registry was established for child support enforcement in conjunction with welfare reform in 1998. The purpose of the Ohio registry is to collect and process all paternity documents initiated by the child support enforcement agencies, hospitals, vital statistics registrars and courts. The registry extracts specific data elements from each document and makes the information available to child support enforcement agencies to allow them to move quickly to establish support. During calendar year 1998, the registry processed over 56,000 documents indicating approximately 55,000 paternity establishments.

### **Registry of Adoption Information in Florida**

Currently, DCF maintains a statewide Adoption (Reunion) Registry. This registry does not keep track of all adoptions. The only purpose is to assist people who were party to a Florida adoption in voluntarily placing their name on the registry so that if someone else was involved in that adoption, they could both be reunited. The registry contains the names of adoptees, birth parents and adoptive parents, as well as any information those persons wish to include. (See s. 63.165, F.S.)

Registration of information is strictly voluntary and paid for through statutorily authorized fees charged to users of the service. (See s. 63.165 (2), F.S.) All information contained in the registry is confidential and exempt from the provisions of s. 119.07 (1), F.S., except as permitted by law with the express permission of the registrant. (See s. 63.165 (1), F.S.) Intermediaries, DCF, and private adoption agencies must inform, in writing, birth parents, prior to termination of their parental rights, and the adoptive parents before placement, of the existence and purpose of the registry. See s. 63.165(3), F.S.

### **INTERSTATE COMPACT FOR ADOPTION AND MEDICAL ASSISTANCE:**

The Department of Children and Family Services focuses its adoption placement efforts on special needs children who are difficult to place because they are older, belong to an ethnic minority, have siblings, or have physical, developmental, or emotional disabilities. Non-special needs children are usually referred to private adoption agencies.

To encourage the adoption of special needs children the department has the authority under s. 409.166, F.S., to provide support and maintenance of a special needs child until the 18th birthday of the child. The support comes in the form of a monthly payment in an amount determined through agreement between the adoptive parents and the department. The agreement shall take into consideration the circumstances of the adopting parents and the needs of the child being adopted, and the amount of subsidy may be readjusted periodically based upon changes in those circumstances. However, in no case is the amount of the adoption subsidy monthly payment in excess of the foster care maintenance payment.

The federal "ADOPTION AND SAFE FAMILIES ACT OF 1997" (P.L. 105-89), was signed into law on November 19, 1997. The act requires states to provide health insurance coverage for any child with special needs for whom there is an adoption assistance agreement between the state and the adoptive parents, and who the state has determined could not be placed for adoption without medical assistance because the child has special needs for medical, mental health, or rehabilitative care. Such health insurance coverage can be provided through Medicaid, or one or more state medical assistance programs, if coverage is Medicaid-comparable. Forty-four states have entered into an agreement (interstate compact) to provide a seamless system for issuing a Medicaid card and providing other services to special needs children and their adoptive families who move from another state.

Florida is not part of this state interstate compact. There is no uniform procedure in Florida to ensure that Assistance Agreement Families that move to Florida from other states receive a Medicaid card and other services in a timely manner. According to DCF, there have been instances of substantial delays in families obtaining assistance and a Florida Medicaid card for children under the adoption assistance program. According to the department, of the 15,621 special needs children with Florida adoption assistance agreements in 1997, 1,406 were living in other states. Of these special needs children with adoption assistance living in other states, 1,125 have their Medicaid coverage provided by the other state under federal requirements because they are Title IV-E eligible. Florida provides Medicaid coverage to the remaining 281 special needs children with Florida adoption assistance agreements who are not Title IV-E eligible.

By comparison, 622 special needs children with adoption assistance agreements from other states lived in Florida in 1997. Of these 622 children with adoption agreements from other states, Florida provided 414 with Medicaid because they are Title IV-E eligible. Other states provide Medicaid to the 208 children they have adoption agreements with who are living in Florida and who are not Title IV-E eligible. More recent data on the number of out-of-state children in Florida will not be available until another national survey is completed.

#### C. EFFECT OF PROPOSED CHANGES:

##### Paternity Registry and Notice of Termination of Parental Rights Pending Adoption

- Reduces from 2 years to 1 year the time period within which an action must be filed to nullify an adoption or termination of parental rights on grounds of fraud or providing false information.
- Provides a 1-year limitation on the admissibility in court of scientific testing to show a probability of paternity.

- Requires the Department of Children and Family Services to maintain a paternity registry within the state registry of adoption information. Provides procedures and requirements for registration in the paternity registry, and provides a penalty for providing certain false information. Requires the department to inform the public regarding the paternity registry and to conduct paternity registry searches. Authorizes a fee for such searches.
- Provides for the use and admissibility in court of paternity registry information. Provides court inquiry, diligent search, notice, and consent requirements in proceedings for termination of parental rights pending adoption, with regard to a person registered with the paternity registry as the father of the child.

#### Interstate Compact on Adoption and Medical Assistance

- Establishes the Interstate Compact on Adoption and Medical Assistance. Provides authority for the Department of Children and Family Services to enter into interstate agreements with other participating states for medical and other necessary services for special needs children. Establishes procedures for interstate delivery of adoption assistance and related services and benefits. Prohibits expansion of Florida's financial commitment beyond the financial obligation of the adoption assistance agreements and Medicaid.

#### D. SECTION-BY-SECTION ANALYSIS:

**Section 1. Amends ss. 63.062 (1) and (2), Florida Statutes,** relating to persons required to consent to adoption.

- Provides a time limitation of 1 year for the use of scientific testing to show a probability of paternity congruent with the statute of repose, s. 63.182.
- Requires notice to and written consent from a registrant in the paternity registry for a termination of parental rights pending adoption.

**Section 2. Amends s. 63.085 (1), Florida Statutes,** relating to required disclosure to parents and prospective adoptive parents, by adoption entity.

- Reduces the time period to 1 year from 2, within which an action must be filed to nullify an adoption or a termination of parental rights on grounds of fraud or providing false information.

**Section 3. Amends ss 63.088 (3) and (4), Florida Statutes,** relating to required notice of proceeding to terminate parental rights pending adoption.

Provides court inquiry and diligent search requirements to notify a registrant in the paternity registry, to terminate parental rights pending adoption.

**Section 4. Amends ss. 63.089(7), Florida Statutes,** relating to relief from judgment terminating parental rights.

- Reduces the time period within which an action must be filed to nullify an adoption or a termination of parental rights on grounds of fraud or providing false information to one year.
- Provides a time limitation for the use of scientific testing to show a probability of paternity congruent with the statute of repose, s. 63.182.

**Section 5. Amends ss. 63.142(4), Florida Statutes,** relating to judgment of adoption.



- Reduces the time period within which an action must be filed to nullify an adoption or a termination of parental rights on grounds of fraud or providing false information to 1 year.
- Provides a time limitation for the use of scientific testing to show a probability of paternity congruent with the statute of repose, s. 63.182.

**Section 6. Amends s 63.165, Florida Statutes,** relating to state registry of adoption information and paternity registry.

- Requires the Department of Children and Families to create and maintain a paternity registry as part of the Adoption (Reunion) Registry that will allow a man to register if he believes that he is, or could be, the father of a child born outside of marriage or adoption.
- A man is not required to register if he is married to the mother when the child was conceived or born, is a father by adoption, or is a legal father by other court proceedings.
- Provides for required information and penalty of second-degree misdemeanor for false information.
- Provides that the father may register prior to the birth of the child but no later than 30 days after the child's birth.
- Provides that ignorance of a pregnancy is not a sufficient reason to fail to register. A man who has sexual intercourse with a woman is deemed to have knowledge that it can result in a woman's pregnancy.
- Provides that a properly registered man is entitled to receive a termination of parental rights notice, and that provided there is diligent search, a man who fails to register may not assert an interest in a child.
- Upon request, the department must furnish a certificate attesting to the results of a search of the paternity registry to a court, the birth mother, or an adoption entity.
- A court may order the department to remove the name of a man from the paternity registry if the court determines that the man is not the child's father.
- The department may not charge a fee for registration, but may charge a fee for a search of the paternity registry.
- The department must produce and distribute an information pamphlet or publication informing the public about the paternity registry through offices of the department and the Department of Health (DOH) as well as schools, universities, libraries, medical clinics, local, state and federal jails, other providers of child welfare services, and through public service announcements and other means.
- Provides rulemaking authority.

**Section 7. Amends s. 63.182, Florida Statutes,** relating to statute of repose.

- Reduces the time period within which an action must be filed to nullify an adoption or a termination of parental rights on grounds of fraud or providing false information from 2 years to 1.

**Section 8. Provides that any petition for adoption filed before the effective date of this act shall be governed by the law in effect at the time the petition was filed.**

**Section 9. Creates s. 409.406, Florida Statutes,** establishing the Interstate Compact on Adoption and Medical Assistance, effective July 1, 2002.

Statutory language format for interstate compacts is unique (see s. 409.401, Florida Statutes, relating to the Interstate Compact on the Placement of Children). Accordingly, the language of the compact is usually adopted verbatim, including the use of the word 'Article.'

#### **Article I.**

Provides findings regarding the need for assistance and special measures when adoptive parents move to other states, or are residents of another state, and the special difficulties when provision of services takes place in other states.

#### **Article II.**

Provides that the purpose of the act is to authorize the Department of Children and Family Services to enter into agreements with other states on behalf of adopted children receiving services from the department, and to develop procedures for adoption assistance payments and medical payments.

#### **Article III.**

Provides definitions for terms including, but not limited to, the "adoption assistance state" which is the state that signs an adoption assistance agreement in a particular case and the "residence state" which is where the child resides.

#### **Article IV.**

Authorizes the Department of Children and Family Services to negotiate and enter into interstate compacts for adoption assistance that have the effect of law as long as they remain in force.

#### **Article V.**

Requires compact provisions including:

- The compact can be joined by all states.
- States can withdraw from the compact by written notice, but the withdrawal does not take effect for 1 year.
- All children and families covered by the compact continue to receive assistance after withdrawal. (This applies only to non-Title IV-E children, since states are already mandated to provide Medicaid coverage to Title IV-E children who move to their state.)
- A written agreement between the adoptive parents and the child welfare agency of the state providing assistance covers each assistance case, and it is enforceable by the parents.

#### **Article VI.**

Provides for options that may include procedures and entitlements for medical and social services for children living in a state other than the one responsible for their services or costs.

#### **Article VII.**

Provides requirements for medical assistance that include:

- A child with special needs having an adoption assistance agreement with another state is entitled to medical assistance as soon as Florida receives a certified copy of the agreement. Adoptive parents are required to show the adoptive agreement is still in force at least annually.
- DCF and the Agency for Health Care Administration (AHCA) may provide Medicaid benefits to children under a state adoption agreement in addition to children required to be provided Title IV-E support under a federal adoption assistance agreement.
- Under this agreement AHCA will provide the same assistance to children from other states as it does to Florida children.
- Florida will only provide benefits for children under adoption assistance agreements from states that have entered into an interstate compact with Florida.
- Provides for rule making authority.

#### **Article VIII.**

Requires the department and agencies administering to include in any state plan pursuant to applicable federal aid and law (including the Adoption Assistance and Child Welfare Act of 1980,

Pub. L. No. 96-272), Titles IV (E) and XIX of the Social Security Act) the provisions of adoption and medical assistance for which the federal government pays for any cost.

**Section 10. Creates s. 409.407, Florida Statutes,** that prohibits the Department of Children and Family Services from expanding the financial commitment of Florida beyond its current obligation for the adoption assistance agreements and Medicaid through the interstate agreements, effective July 1, 2002.

**Section 11. Establishes that the act takes effect on October 1, 2002, except as otherwise provided.**

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

	(FY 2002-2003)	(FY 2003-2004)
Non-recurring/ First-Year Start-Up :	\$133,332	
Recurring	\$238,346	\$280,556

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

The department estimates that the paternity registry would require two FTE positions to implement and maintain a computer database to store, retrieve and search data, and funds for development and dissemination of information about the registry.

The department estimates that costs associated with providing Medicaid coverage to adopted children from other states would be offset by other states assuming coverage for Florida child moving out of state. The Agency for Health Care Administration does not anticipate any fiscal impact from the interstate compact

The department estimates that it would require two FTE positions to administer, creation of a computer software system to enter, track and monitor the provision of services, and a supporting

budget. Preliminary estimates show that there will not be a negative fiscal impact on the Florida Medicaid budget.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill will not reduce the authority of municipalities and counties to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill will not reduce the state tax shared with counties and municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

Information in the Paternity Registry would be confidential. A separate bill, HB 773, addresses the ch. 119, F.S. issues for the Paternity Registry.

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

This bill places the paternity registry in the Department of Children and Families, rather than the Department of Health, Office of Vital Statistics, which already operates a similar, but less extensive, Putative Father Registry, and is required by law to officially record all births and adoptions in Florida, among other things.

When amendments were adopted to move the paternity registry to the Department of Health, cross references were not corrected and need to be addressed in a subsequent committee. Reference to the paternity registry needs to be removed from the bill on page 8, lines 29 and 30 and on page 13 line 19 the statutory reference to the registry needs to be changed to s. 63.063.

The tied public records bill HB 773 needs to be amended to reference the paternity registry in the Department of Health.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On February 7, 2002, the Committee on Child and Family Safety adopted two amendments to the bill with the following provisions:

Amendment 1, clarifies that the adoption registry of the Department of Children and Families is a registry of adoption reunion information.

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Amendment 2, moves the paternity registry established in the bill to the Office of Vital Statistics of the Department of Health, that already has an established process to register putative paternity.

The bill was then adopted favorably, as amended.

VII. SIGNATURES:

COMMITTEE ON CHILD & FAMILY SECURITY:

Prepared by:

Staff Director:

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Glenn Mitchell

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Robert Brown-Barrios